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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 ANTONIO LUIS WILLIAMS,
12 Plaintiff,
13 v.
14 J. CHUDY, et al.,
15 Defendants.

Case No. 17-CV-04050 LHK (PR)

**ORDER OF SERVICE FOR
DEFENDANT DR. CHUDY**

17 Plaintiff, a California state prisoner proceeding *pro se*, filed a civil rights complaint under
18 42 U.S.C. § 1983 against prison officials at Salinas Valley State Prison (“SVSP”). On October 4,
19 2017, the court issued an order of service for defendants Dr. L. Gamboa, K. Kumar, and Dr. J.
20 Chudy. On January 31, 2018, attorney for defendants Gamboa and Kumar filed a declaration
21 indicating that that Dr. Chudy no longer worked at SVSP. Dkt. No. 33. On February 9, 2018, the
22 court directed plaintiff to file a notice providing the court with location information for defendant
23 Dr. Chudy such that the Marshal could effect service. Dkt. No. 39. Plaintiff has filed a notice
24 providing the address to Dr. Chudy’s place of employment. Dkt. No. 44. Accordingly, the court
25 orders as follows:

26 1. The Clerk of the Court shall mail to defendant **Dr. J. Chudy, at Nationwide**
27 **Medical, 29903 Agoura Rd., Agoura Hills, California 91301**, the following documents: **a**
28 **Notice of Lawsuit and Request for Waiver of Service of Summons, two copies of the Waiver**

1 **of Service of Summons, a copy of the complaint, a copy of the court's order of service dated
2 October 4, 2017, a copy of this order, and a current docket of proceedings in this case.**

3 Additionally, the Clerk shall mail a copy of this order to plaintiff.

4 2. Defendant is cautioned that Rule 4 of the Federal Rules of Civil Procedure requires
5 him to cooperate in saving unnecessary costs of service of the summons and complaint. Pursuant
6 to Rule 4, if defendant, after being notified of this action and asked by the court, on behalf of
7 plaintiff, to waive service of the summons, fails to do so, he will be required to bear the cost of
8 such service unless good cause be shown for their failure to sign and return the waiver form. If
9 service is waived, defendant will be required to serve and file an answer **within sixty (60) days**
10 from the filing date of this order. Defendant is asked to read the statement set forth at the bottom
11 of the waiver form that more completely describes the duties of the parties with regard to waiver
12 of service of the summons. If service is waived after the date provided in the Notice but before
13 defendant has been personally served, the Answer shall be due **within sixty (60) days** from the
14 date on which the request for waiver was sent or twenty (20) days from the date the executed
15 waiver form is filed, whichever is later.

16 3. No later than **sixty (60) days** from the filing date of this order, defendant shall file a
17 **comprehensive motion for summary judgment or other dispositive motion** with respect to the
18 cognizable claims in the complaint. Any motion for summary judgment shall be supported by
19 adequate factual documentation and shall conform in all respects to Rule 56 of the Federal Rules
20 of Civil Procedure. A motion for summary judgment also must be accompanied by a *Rand* notice
21 so that plaintiff will have fair, timely and adequate notice of what is required of him in order to
22 oppose the motion. *Woods v. Carey*, 684 F.3d 934, 939 (9th Cir. 2012) (notice requirement set out
23 in *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998), must be served concurrently with motion for
24 summary judgment). **Defendant is advised that summary judgment cannot be granted, nor
25 qualified immunity found, if material facts are in dispute. If defendant is of the opinion that
26 this case cannot be resolved by summary judgment, he shall so inform the court prior to the**

1 **date the summary judgment motion is due.**

2 4. Plaintiff's opposition to the dispositive motion shall be filed with the court and
3 served on defendant no later than **twenty-eight (28) days** from the date defendant's motion is
4 filed. Plaintiff is advised to read Rule 56 of the Federal Rules of Civil Procedure and *Celotex*
5 *Corp. v. Catrett*, 477 U.S. 317 (1986) (holding party opposing summary judgment must come
6 forward with evidence showing triable issues of material fact on every essential element of his
7 claim).

8 5. Defendant shall file a reply brief no later than **fourteen (14) days** after plaintiff's
9 opposition is filed.

10 **IT IS SO ORDERED.**

11 DATED: 3/15/2018



LUCY H. KOH
UNITED STATES DISTRICT JUDGE